THE HON'BLE MR JUSTICE A.GOPAL REDDY

W. P. No.27349/1995

Dt.28-2-2006

Manne Hanumantha Reddy ..Petitioner

V.

1. **A.P.State Electricity Board, Hyderabad by its Secretary.**

and others. ..Respondents.

THE HON'BLE MR JUSTICE A.GOPAL REDDY

W. P. No.27349/1995

ORAL ORDER:

The petitioner claiming to be the owner of land ad-measuring Ac.3-18 cents in S.No.764 situate at Medarametla village having purchased the same under a registered sale deed dt. 21-3-1983 filed the present writ petition stating that the respondent-Board decided and approved erection of 132/33 KV transformer at Medarametla. Pursuant to the same, Executive Engineer, TLC Division, Ongole visited Medarametla and selected the land of the petitioner as suitable for erection and requested the Revenue Divisional Officer, Ongole for acquisition of the land, to which the petitioner also gave consent. Accordingly, Mandal Revenue Officer, Korisepadu inspected the site and sent proposals. The Revenue Divisional Officer fixed the compensation payable to the petitioner and requested the respondent-Board to deposit the said amount. While so, respondents 2,3 and 4 requested

the petitioner to forego 30% solatium, for which he accepted, but so far the said amount has not been deposited. Therefore, he filed the present writ petition.

The 7th respondent-Land Acquisition Officer (Revenue Divisional Officer) filed a counter-affidavit stating that draft notification under Section 4(1) of the Land Acquisition Act was not sent to the Collector for approval since the requisition department has not deposited the funds with the Land Acquisition Officer except depositing an amount of Rs.10000/- towards the advertisement charges. While the matter stood thus, Karnati Somasekhara Rao S/o Veeraiah and Uma Maheswara Rao of Medarametla village issued a suit notice claiming share in the land proposed to be acquired. The Branch Manager, Central Bank of India, Ongole Branch, has reported that the land in S.No. 764 was mortgaged with the Bank and requested for payment of the award amount. It is further stated that only after depositing the funds with the requisition department, necessary notification will be issued and the proceedings are at a preliminary stage, therefore, paying compensation does not arise.

The fifth respondent-Executive Engineer of the respondent-Board also filed a counter-affidavit stating that when the proposals for acquisition of the land are pending, the Chairman and Managing Director of APIIC Limited in his D.O. letter dt. 31-3-1995 addressed to the Secretary, APSEB to give four acres of land on free of cost to APSEB for construction of 132 KV sub-station and thereafter 4.737 acres of land was handed over to the respondent-Board on 20-10-1995. Apart from the same, through letter dt. 11-12-1995 the authorities of APIIC Limited agreed to give an extent of Ac.1.50 acres of land for construction of staff quarters for O & M in their proposed area on free of cost and handed over 6.237 acres by APIIC. Therefore, there is no need for them to acquire the land of the petitioner.

Unless the land of the petitioner is acquired by issuing necessary notification, the petitioner cannot seek a Mandamus for payment of the compensation. In view of the same, facts as stated above, the petitioner cannot insist that his land should be acquired and paid compensation as per the preliminary report.

The writ petition is accordingly dismissed. No costs.

28-2-2006

KMR